

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

Criminal Complaint

v.

ESVIN ROLANDO IMUL-LOPEZ

CASE NUMBER: 07-0310-MPT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about November, 2006, defendant did:

illegally enter the United States

in violation of Title 8 United States Code, Section(s) 1325(a).

I further state that I am a(n) Supervisory Special Agent, United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



Signature of Complainant
William O. Horn
Supervisory Special Agent
Bureau of Immigration & Customs Enforcement
U.S. Department of Homeland Security

Sworn to before me and subscribed in my presence,

March 6, 2007 at
Date

Honorable Mary Pat Thyng
United States Magistrate Judge
Name & Title of Judicial Officer

Wilmington, DE
City and State

Signature of Judicial Officer

AFFIDAVIT

I, William O. Horn, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Special Agent since October 1, 1997, when I was employed by the Immigration and Naturalization Service (INS). The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.

2. This investigation is based on information provided by State of Delaware government agencies, INS/ICE records, and my own observations and interviews.

3. On or about March 05, 2007, ICE Agents encountered Esvin Rolando IMUL-López at the Georgetown, Delaware, Police Department, in the District of Delaware. After seeing a tattoo of "MS" on his left hand, an ICE Agent advised Esvin Rolando IMUL-López of his rights and asked whether he was in the United States legally. He stated that he is in the United States illegally.

4. On March 06, 2007, your affiant again advised Esvin Rolando IMUL-López of his rights and interviewed him at the ICE office in Dover, DE, where he advised your affiant that his true and correct name is Esvin Rolando IMUL-López and that he is a citizen of Guatemala. When asked, Esvin Rolando IMUL-López stated that he had entered the United States illegally, without being inspected by an Immigration Officer. He stated that he had crossed the border well away from the Port of Entry where the Immigration Officers are located. Your affiant asked Esvin Rolando IMUL-López about the tattoo on his hand, and he stated that he had been a member of MS-13 in Guatemala.

5. Your affiant has reviewed the computerized databases of ICE and Citizenship and Immigration Services (CIS), another component of the Department of Homeland Security that was previously part of the INS, and found no evidence of any lawful status for Esvin Rolando IMUL-López.

WHEREFORE, your affiant avers there is probable cause to believe that Esvin Rolando IMUL-López, a citizen and national of Guatemala, knowing entered the United States illegally, without being inspected by an Immigration Officer, in violation of Title 18, United States Code, 1325(a).



William O. Horn
Special Agent
U.S. Immigration & Customs Enforcement